

VIRGINIA ADVISORY COMMITTEE ON JUVENILE JUSTICE



2004 Annual Report

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I ntroduction

This Annual Report of the Advisory Committee on Juvenile Justice describes its activities for fiscal year 2004. It includes funding priorities, issues and accomplishments in juvenile justice, details about awarded grants and Challenge funds, and data concerning Virginia's monitoring of the four core requirements of the federal Juvenile Justice and Delinquency Prevention Act. The Report describes briefly other grant programs and activities of the Virginia Department of Criminal Justice Services related to children, some of which are overseen by other State advisory committees.

Members of the Advisory Committee on Juvenile Justice are appointed by the Governor¹. The Committee is composed of individuals who are knowledgeable about the prevention and treatment of juvenile delinquency and the juvenile justice system. It includes representatives of local law enforcement, juvenile justice agencies, state and local government, judges, counsel for children, and other citizens, including youth. Membership requirements are specified in the federal Juvenile Justice and Delinquency Prevention Act².

The Committee is responsible for reviewing the operation of the juvenile justice system in Virginia, for recommending needs and priorities for the development and improvement of the juvenile justice system, for recommending grant awards, and for advising the Governor on matters related to the Juvenile Justice and Delinquency Prevention Act.

The Advisory Committee reports to the Criminal Justice Services Board, the governing board of the Virginia Department of Criminal Justice Services (DCJS), in an advisory capacity. The Advisory Committee makes recommendations to the Criminal Justice Services Board on awards under three federal JJDP Act grants: Title II Formula Grants, Title V Delinquency Prevention Grants, and Juvenile Accountability Block Grants. It also approves funding priorities for Part E Challenge funds³.

¹ *Code of Virginia*, § 9.1-111

² Juvenile Justice and Delinquency Prevention Act of 2002, 42 U.S.C. § 5633, Sec. 223 (a) available online at <http://ojjdp.ncjrs.org/about/appendixa1.html>.

³ The federal Challenge grant program has ended. Final awards to states were given in fiscal year 2003. States continue to award those funds.

Virginia Advisory Committee on Juvenile Justice¹

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(Proxy: Ms. Jane B. Brown)

Mr. Barry Green, Director
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(Proxy: Ms. Lynette Greenfield)

Dr. James S. Reinhard, Commissioner
Virginia Department of Mental Health, Mental
Retardation, & Substance Abuse Services.
(Proxy: Ms. Shirley Ricks)

¹ This listing includes members as of the end of the 2004 fiscal year, June 30, 2004, and new members appointed between July 1, 2004 and November 30, 2005.

* new member

** Denotes youth member. Youth members must be younger than age 24 at the time of their appointment.

Issues and Accomplishments in Virginia's Juvenile Justice System, FY 2004

This section contains information snapshots about issues in Virginia's juvenile justice system in FY 2004 and the accomplishments that relate to those issues. The following areas were identified as issues and priorities for funding by the Advisory Committee on Juvenile Justice. The areas are unchanged from 2003.

Disproportionate Minority Contact with the Juvenile Justice System
Legal Representation of Juveniles
Mental Health Problems of Juvenile Offenders
Post-Dispositional Aftercare Services
Rural Services Availability for Juveniles
Secure Detention Admissions
Sex Offenders
Truancy
Young Juvenile Offenders

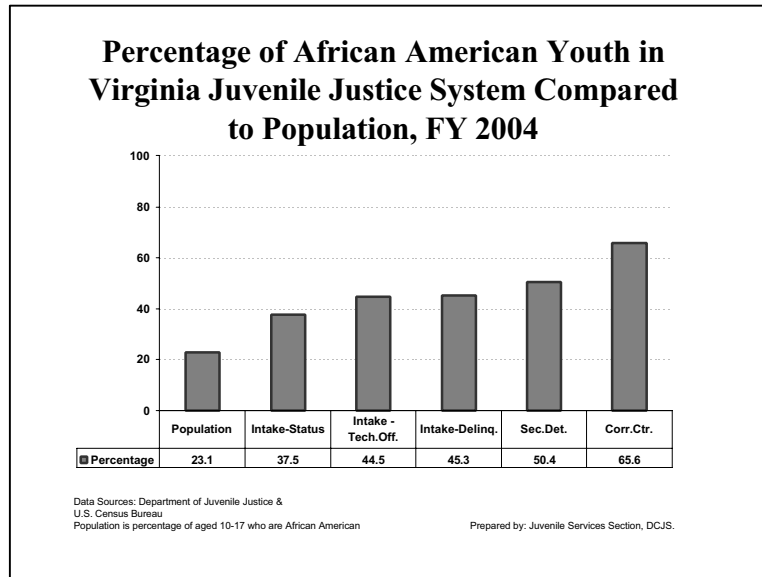
They were funded under various funding streams. The legal representation of juveniles, truancy, and mental health problems of juveniles were priorities for Challenge funding. Replication of model prevention programs was the priority for Title V funding. Young juvenile offenders, truancy, alternatives to detention, and minority overrepresentation were priorities for Title II funding. Alternatives to detention, aftercare services, and juvenile sex offender treatment were Juvenile Accountability Block Grant (JABG) priorities. The JABG program offered a special rural request for proposals.

Disproportionate Minority Contact with the Juvenile Justice System

ISSUE

African American youth are over-represented throughout the juvenile justice system, relative to their percentage in the juvenile population.

Racial disparity in the juvenile justice system may not be based on racial discrimination exclusively. It may result from school policies, targeting of crime-ridden neighborhoods, inability of the poor to retain paid counsel, and lack of available alternatives to detention in economically deprived communities.



Nonetheless, it is evident in Virginia. As one gets further into the juvenile justice system, the percentage of African American youth increases. As the chart shows, they are just 23% of the juvenile population in Virginia, but

- ◆ 38% of intake status offenders,
- ◆ 45% of intake technical and delinquent offenders,
- ◆ 50% of secure detention admissions,
- ◆ 66% of commitments to juvenile correctional centers. This pattern has been stable for years.

ACCOMPLISHMENTS

- ◆ Virginia Department of Juvenile Justice Director Jerrauld Jones gave an address, *Statewide Initiatives to Address Disproportionate Minority Representation*, at the 2004 annual Juvenile Justice and Delinquency Prevention conference cosponsored by the Virginia Advisory Committee on Juvenile Justice and the Juvenile Services Section, Virginia Department of Criminal Justice Services (DCJS).
- ◆ Strategies to address the issues of the legal representation of children and the number of children admitted to secure detention facilities may also reduce the disproportionate minority contact of African American children in the system. Those strategies and accomplishments are detailed in following sections.
- ◆ The Juvenile Services Section, DCJS, continued activities designed to address this issue.
 - The DCJS fact sheet, *Reducing Minority Overrepresentation in Virginia's Juvenile Justice System*, was published in the 2003 fiscal year. It has been distributed widely and is available on the web site at www.dcjs.virginia.gov/juvenile/publications.
 - The Disproportionate Minority Contact Coordinator continues to provide training and assistance to local officials and detention staff.
 - DCJS Juvenile Services Section maintains a Juvenile Justice System Demographics web page, at www.dcjs.virginia.gov/juvenile/. The web page is accessed frequently. During February 2004, it was accessed 245 times.

Legal Representation of Juveniles

ISSUE

In 2002, the American Bar Association and the Mid-Atlantic Defender Center published a report about the legal representation of juveniles in Virginia¹, which pointed to a number of inadequacies in the current system. According to the report, access to legal counsel and quality representation in delinquency proceedings is lacking in Virginia. The report also suggests that some juvenile counsel are untrained, inexperienced, unprofessional, and incompetent.

In Virginia, counsel is not appointed until the detention hearing.² The practice is that only retained private counsel participates at arrest, intake, and initial detention hearings. For children who have not been represented earlier in the process, it is only when a decision has been made to detain the child that the court must provide an opportunity for review of the decision after counsel has been secured.

ACCOMPLISHMENTS

- ◆ In the 2004 General Assembly, HB600 was passed amending the *Code of Virginia*, §16.1-250, effective July 1, 2005, requiring the appointment of an attorney for a child prior to a detention hearing.
- ◆ New legislation was enacted in 2004 expanding the responsibility of the Public Defender Commission to include court-appointed counsel for indigent clients and renaming it the *Indigent Defense Commission*.³ The expanded responsibility includes enforcing qualification standards for attorneys seeking to become court-appointed counsel, developing training courses, and developing standards of conduct. In particular, it includes providing additional training on representing juveniles to attorneys seeking to qualify as counsel in juvenile and domestic relations district court.⁴
- ◆ A session at the 2004 Juvenile Justice and Delinquency Prevention conference addressed *Youth-related Key Legislative Changes in Virginia* to educate and inform participants about new legislation and outstanding legislative issues.

Mental Health Needs of Juvenile Offenders

ISSUE

Many children in Virginia's juvenile justice system have demonstrated mental health needs. In 2003, 23% of males and 42% of females committed to Virginia juvenile correctional centers⁵ had a history of prior psychiatric hospitalization.

The juvenile justice system is used also as an alternative treatment resource for children with mental health needs who do not otherwise need to be in the system. Children may be referred to juvenile court only because a judge can order treatment in the community that the child would not receive otherwise. Thus, mental illness is becoming criminalized. A 2002 report of the American Bar Association recommends,

¹ American Bar Association Juvenile Justice Center & Mid-Atlantic Juvenile Defender Center (2002). *Virginia: An Assessment of access to counsel and quality of representation in delinquency proceedings*. Washington, D.C.: American Bar Association.

² In the 2004 General Assembly, HB600 was passed amending the *Code of Virginia*, §16.1-250, effective July 1, 2005, requiring the appointment of an attorney for a child prior to a detention hearing.

³ Virginia Code, Ann. §19.2-163.01

⁴ Virginia Code, Ann. §19.2-163.01.

⁵ Waite, D., & Neff, J. (2004). *Profiles of Incarcerated Adolescents in Virginia's Correctional Facilities, Fiscal years 1999-2003*. Richmond, VA, Virginia Department of Juvenile Justice.

The Commonwealth should address the increase in mental health and school-related referrals to juvenile court and evaluate their appropriateness, especially as this impacts minority youth.⁶

ACCOMPLISHMENTS

- ◆ DCJS Challenge grant funds were provided to the University of Virginia to develop a cd-rom, *The Kid in Trouble*, which provides a tutorial for juvenile justice professionals on the diagnosis, treatment, and risk for children in contact with the juvenile justice system or children at risk.
- ◆ DCJS Challenge grant funds also were provided to the University of Virginia to prepare legal briefs regarding treatment for mental illness and substance abuse to juveniles in confinement. Information about the briefs is available on their web site at www.ilppp.virginia.edu/Policy_Reports.html.
- ◆ The Virginia Commission on Youth received Challenge grant funds through DCJS in 2003 and 2004 to distribute their publication, *Collection of Evidence-based Treatments for Children with Mental Health Disorders* (House Document 9, 2003) and to provide information and training about the publication. It is available on their web site at <http://coy.state.va.us/Modalities/contents.htm>.
- ◆ Through DCJS Challenge Grant funds, training about litigating juveniles with mental health issues in criminal cases is being provided by the Indigent Defense Commission to public defenders and private counsel representing juveniles.
- ◆ JABG funds were used to provide \$500,000 funding to DMHMRSAS to provide mental health services to children in five detention facilities. This grant includes funding for transition services for these children to receive mental health treatment in their communities.
- ◆ Three sessions at the 2004 annual Juvenile Justice and Delinquency Prevention conference addressed mental health problems in adolescents, including one of the keynote sessions.

Post-Dispositional Aftercare Services

ISSUE

Juveniles released from Virginia juvenile correctional centers are reoffending at high rates.

As the chart shows, within three years, three-fourths of them have been rearrested.

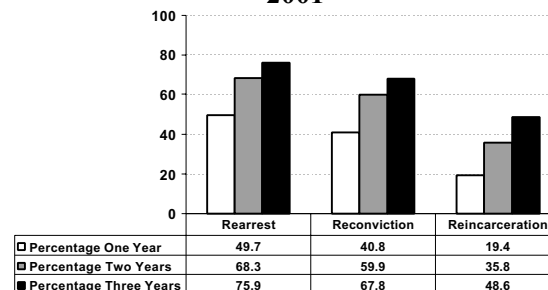
Two-thirds have been reconvicted.

Almost half have been reincarcerated.

Some are chronic offenders: one-eighth of those released account for one-half of re-arrests within one year.

There is a need for postdispositional release services to assist in their transition to successful community living.

Recidivism Rates for Juveniles Released from Virginia Juvenile Correctional Centers in 2001



Reincarceration rate is to a juvenile correctional center, Department of Corrections, or a local jail.
Data Source: Department of Juvenile Justice Data
Resource Guide, FY 2004.

Prepared by: Juvenile Services Section, DCJS.

⁶ American Bar Association Juvenile Justice Center & Mid-Atlantic Juvenile Defender Center (2002). *Virginia: An Assessment of access to counsel and quality of representation in delinquency proceedings*. Washington, D.C.: American Bar Association.

ACCOMPLISHMENTS

- ◆ A session at the 2004 Juvenile Justice and Delinquency Prevention conference described a model program of aftercare services.
- ◆ The Department of Juvenile Justice received JABG funding for a transitional living program to provide independent living beds for juveniles as a step-down from commitment in a juvenile correctional center or transition from a halfway house.

Rural Services Availability for Juveniles**ISSUE**

Access to services for juveniles who have had contact with the juvenile justice system is inconsistent across the state. With few exceptions, rural areas have fewer services available to the people in their communities.

Although the number of children who need services is lower in rural areas, the lack of available local services is problematic. For juveniles, the lack of available services includes access to quality legal representation, including public defender services, and lack of diversion and post- adjudication programs and treatment services such as substance abuse, mental health, and sex offender treatment. For juvenile justice professionals, cost and time to access training may be problematic.

ACCOMPLISHMENTS

- ◆ There were six JABG first-year grants awarded to the rural localities of Amherst, Augusta, Campbell, Dinwiddie, Fluvanna, and Isle of Wight counties.
- ◆ Two of the six continuing 2002 Young Juvenile Offender (YJO) Title II grants were to rural localities. They were continued in the 2004 fiscal year.
- ◆ The new tutorial, *The Kid in Trouble*, produced by the University of Virginia with Challenge funds for training on juvenile diagnosis, treatment and risk is on cd-rom, making the training readily accessible to juvenile justice professionals in rural areas.
- ◆ DCJS Juvenile Services grant application process is designed so that it increases access for small localities.
 - It is a two-stage process with a concept paper required before the full application to enable applicants to determine if their idea is acceptable before writing a full grant application.
 - For JABG grants, there is a separate Request for Proposals that invites rural localities to apply for funding.
 - Grant applications for Title II, Title V, and JABG funding continue to allow for small geographically adjacent localities to join together and submit one application.
 - One-time Special Funds provided under JABG provide an opportunity for rural localities to obtain funds to meet small, specialized needs.
 - Training for new grantees has been provided via video conferencing, eliminating the cost of travel to a central location.
- ◆ Juvenile Services publications and the juvenile justice system demographics web page are available online on the Juvenile Services Section web page at www.dcjs.virginia.gov/juvenile/.

Secure Detention – Numbers of Admissions and Numbers of Admissions for Technical Violations

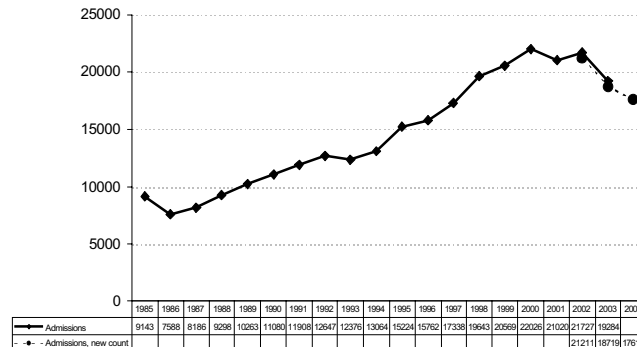
ISSUE

In 2004, there were over 17,000⁷ admissions of juveniles to secure detention facilities in Virginia. This represents 10,926 children of whom about 70% were admitted once and the rest multiple times during the fiscal year. Virginia detains children at a higher rate than the national average and at a higher rate than our neighboring states. The 2001 rate of detention per 100,000 juvenile population was 150 for Virginia compared with 88 for the national average, 41 for North Carolina, and 61 for Maryland⁸. Virginia also detains many more children in secure detention facilities than are committed to correctional centers. In 2004, there were less than 1,100 commitments to juvenile correctional centers, about one-tenth of the children admitted to secure detention facilities. The disparity in numbers suggests that more children may be detained than is necessary for public safety, to prevent absconding or for other circumstances as permitted by the *Code of Virginia*⁹.

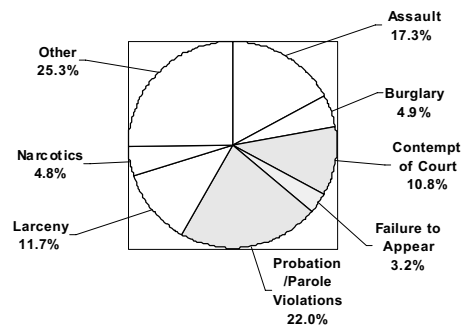
Most admissions to secure detention facilities are predispositional – in 2004, 77%. Those children have not been adjudicated.

It is known that detention is harmful for low-risk offenders¹⁰; it exposes them to delinquent peers and that exposure is a

Number of Admissions to Virginia Secure Detention Facilities, 1985 - 2004



Percentage of Admissions to Secure Detention Facilities, Most Serious Offense is a Technical Violation, FY 2004



Data Source: Department of Juvenile Justice

Prepared by Juvenile Services Section, DCJS

⁷ In 2004, the Department of Juvenile Justice changed the computing basis of number of admissions so that weekend admissions are counted only once. For 2002 and 2003 revised counts, this decreased the admission count by 2-3%. Because of this, admissions for 2004 are not directly comparable to previous years admissions. However, because the difference is expected to be slight, the 20-year trend is depicted graphically.

⁸ In this count, detained juveniles await court hearings, adjudication, disposition, or placement elsewhere. The Virginia count represents 1197 detained juveniles: 969 in public detention centers, 228 in other public facilities, and 3 in private facilities. From Sickmund, M., Sladky, T., & Kang, W. (2004) *Census of juveniles in residential placement databook*. It is available online at www.ojdp.ncjrs.org/ojstatbb/cjrp/.

⁹ §16.1-248.1

¹⁰ Bell, James. Presentation at the Virginia Department of Juvenile Justice Disproportionate Minority Contact conference, Crystal City, Virginia. June 28, 2004.

predictor of delinquency¹¹. A large percentage of children in secure detention facilities are held for technical violations such as probation or parole violations. They have not committed a new offense.

In FY2004, for 22% of admissions to secure detention facilities, the most serious offense was a probation or parole violation. For another 11%, the most serious offense was contempt of court. These are technical violations.

Together they represent one-third of admissions to secure detention facilities.

ACCOMPLISHMENTS

- ◆ The Virginia Department of Juvenile Justice is participating in the Annie E. Casey Foundation's Juvenile Detention Alternatives Initiative. One expected impact of this initiative is to reduce the number of juveniles in detention for technical violations. DCJS has awarded the Department of Juvenile Justice a Juvenile Accountability Block grant (JABG) to allow those pilot localities participating in the detention alternatives initiative to provide alternatives to detention. This grant is designed to provide successful community models that can be implemented locally after the grant has terminated.
- ◆ The Department of Juvenile Justice has developed a detention assessment instrument that is administered during intake to help ensure that detention is used for only the appropriate juveniles and has trained staff to reduce inappropriate overrides of the instrument.
- ◆ The Stafford Co. Court Services Unit received a Title V continuation grant for its *Strengthening Families Program* to divert children with delinquent, CHINS¹², and CHINSup complaints.

¹¹ Hawkins, J., Herrenkohl, T., Farrington, D., Brewer, D., Catalano, R., Harachi, T., & Cothorn, L. (2000). *Predictors of youth violence*. Juvenile Justice Bulletin. Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

¹² CHINS (Child in Need of Services) and CHINSup (Child in Need of Supervision) as defined under the Code of Virginia, §16.1-228.

Sex Offenders

ISSUE

Juvenile sex offenders are a population of concern. They pose a risk to public safety. They have multiple treatment needs and require specialized aftercare and supervision in the community. Some are committed to the Department of Juvenile Justice and treated in Virginia juvenile correctional centers. Some are treated in the community.

They are often quite young. Of the 690 children brought to intake for sex offenses in 2004, 28% were aged 13 and younger and almost half (47%) were aged 14 and younger. Of the 72 children committed to juvenile correctional centers in 2004 for sex offenses, 25% were aged 14 and younger.

Treatment works. Virginia research supports the efficacy of treatment for juvenile sex offenders. Research funded by a Juvenile Accountability Block Grant¹³ indicates that the rate of sex offense re-arrest for juvenile sex offenders who have completed sex offender treatment in Virginia juvenile correctional centers, is about 7% within ten years¹⁴. Their 10-year re-arrest rates for other offenses, although higher, are all well below the 3-year 76% re-arrest rate for the juvenile correctional center population released in 2000¹⁵.

National research indicates that most juvenile sex offenders are not destined to become adult sex offenders¹⁶.

ACCOMPLISHMENTS

- ◆ The Department of Juvenile Justice received a JABG grant for community sex offender treatment, which it dispersed to court services units.
- ◆ The Department of Juvenile Justice received a JABG grant to provide sex offender treatment in its juvenile correctional centers.
- ◆ The Norfolk Court Services Unit received a Title II continuation grant for its Juvenile Sex Offender Program.

¹³ At the time of funding, the program was called the Juvenile Accountability Incentive Block Grant.

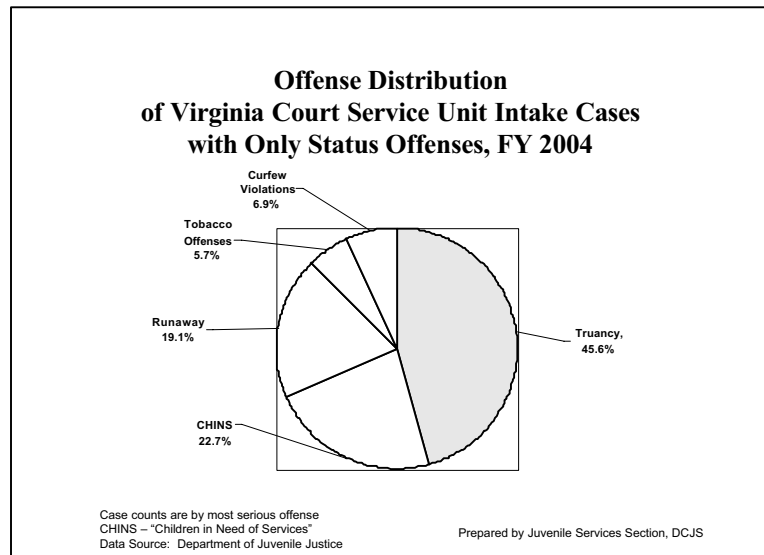
¹⁴ Pinkerton, R. (June, 2003). *Juvenile sex offenders: Current treatment techniques and recidivism data*. Presentation at the Juvenile Justice and Delinquency Prevention Conference, Williamsburg, Virginia.

¹⁵ Virginia Department of Juvenile Justice, *Data resource guide, FY 2003*.

¹⁶ Center for Sex Offender Management. (2002) *An overview of sex offender management*. Silver Spring, MD: Center for Sex Offender Management. (available online at www.csom.org).

Truancy

ISSUE



Truancy has long been an issue in Virginia. In 1998, the legislature sought to address the issue of truancy by enacting a statute that requires a school system to develop an intervention plan for any student who is absent five days without parental knowledge. The legislation requires a series of planned steps involving the school and the family. When earlier steps fail, the final required step is filing a petition in the juvenile and domestic relations district court¹⁷.

Our most recent data, for 2004, show that 45%¹⁸ of all status intake cases reported truancy as the most serious offense. The number of intake cases

for truancy has more than doubled over the five-year period, 1998-2004, undoubtedly at least partly in response to the legislative change. In 2004, almost 5,000 children were taken to intake for truancy. Sixty-nine percent of those were petitioned to court as children in need of supervision.

Truancy may have long-term implications. For children aged 12-14, school attitude and performance are moderate predictors of later violent or serious delinquency¹⁹. Most juveniles who are in juvenile correctional centers and thus are far into the juvenile justice system have little schooling. Over half of males committed in 2003 had completed only grade 6-8 and they read and write below that level²⁰.

ACCOMPLISHMENTS

- ◆ Through Challenge funding to the Virginia Department of Education, a project was undertaken designed to increase knowledge in the school system about best truancy intervention practices.
- ◆ The Challenge Grant also provided funding for the continuation of local meetings of the Superintendents/Judges Liaison Committee.
- ◆ A Title V continuation grant to Petersburg was designed specifically to address truancy.

¹⁷ Code of Virginia, Ann., §22.1-258 and 16.1-260B

¹⁸ This decrease from 50% in 2003 is due to the increase from 0 to 7% of percentage curfew violations (number increase from 1 in 2003 to 756 in 2004).

¹⁹ Hawkins, J., Herrenkohl, T., Farrington, D., Brewer, D., Catalano, R., Harachi, T., & Cothorn, L. (2000). *Predictors of youth violence*. Juvenile Justice Bulletin. Washington, D.C.: U.S. department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

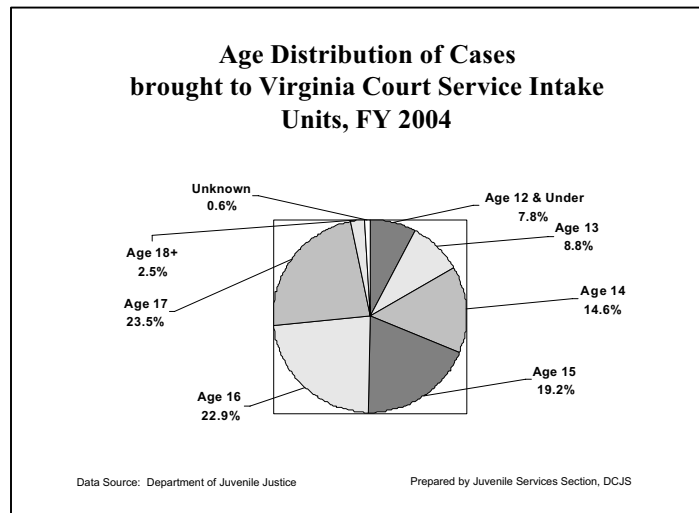
²⁰ Waite, D., & Neff, J. (2004). *Profiles of Incarcerated Adolescents in Virginia's Correctional Facilities, Fiscal years 1999-2003*. Richmond, VA, Virginia Department of Juvenile Justice.

Young Juvenile Offenders

ISSUE

Research has shown that a juvenile offense at ages 6-11 is the strongest predictor of subsequent violent or serious delinquency even if the offense did not involve violence²¹. It is the second strongest predictor for the age 12-14 group. The number of young children having contact with the juvenile justice system has been a concern to DCJS for several years.

As shown in the graph, children aged 13 and younger represent about one-sixth – 16.6% – of children brought to intake for delinquent and status offenses and technical violations.



The number of juvenile offenders aged 13 and younger coming before the courts now constitutes a large portion of the intake population. In 2004, as in 2003, about 64,000 children were brought to intake for delinquent, technical and status offenses. Over 10,000 were aged 13 and younger. Forty-one percent of children brought to intake units in Virginia in 2004 for arson²² were aged 13 and younger; 28% of children brought for sex offenses were 13 and younger and 24% of children brought for assault were 13 and younger.

These children are not just being brought to intake, but are also being admitted to secure detention facilities. In 2004, about 8.5%, 1,500 of the 18,000 secure detention admissions, were 13 years of age or younger.

Recent Virginia data confirm the pattern of offenses at a young age leading to later more serious delinquency. Of children committed to the Department of Juvenile Justice in 2003, almost three-fourths (73.5%) were first adjudicated at age 14 or younger²³.

ACCOMPLISHMENTS

- ◆ The Young Juvenile Offender Initiative targets children aged 13 and younger who have had contact with the juvenile justice system. It has been a funding priority for Title II grants since 2002. Six grants were funded beginning in 2002 and continue; four additional grants were approved for funding in 2003 and began in the 2004 fiscal year. The Young Juvenile Offender grants are designed to replicate model programs that have been demonstrated effective.
- ◆ A cross-site evaluation of the Young Juvenile Offender project sites has been funded since 2002 to measure for re-offense rates including new intakes, petitions, and adjudications; detention and commitment rates; school enrollment, attendance, behavior, and academic performance.
- ◆ Title V continuation grants to James City County and Portsmouth target middle school students.
- ◆ A Title V continuation grant to Tazewell County targets at-risk youth aged 11-13.

²¹ Hawkins, J., Herrenkohl, T., Farrington, D., Brewer, D., Catalano, R., Harachi, T., & Cothorn, L. (2000). *Predictors of youth violence*. Juvenile Justice Bulletin. Washington, D.C.: U.S. Department of Justice, Office of Justice Programs, Office of Juvenile Justice and Delinquency Prevention.

²² Cases are categorized by most serious offense.

²³ Waite, D., & Neff, J. (2004). *Profiles of Incarcerated Adolescents in Virginia's Correctional Facilities, Fiscal years 1999-2003*. Richmond, VA, Virginia Department of Juvenile Justice.

Juvenile Justice and Delinquency Prevention Grant Programs

Virginia participates in four grant programs that come under the purview of the Advisory Committee on Juvenile Justice. Under the Juvenile Justice and Delinquency Prevention (JJDP) Act, it receives Title II Formula Grants, Title V Prevention Grants, Part E Challenge Grants, and Juvenile Accountability Block Grant (JABG) funds.

The Advisory Committee on Juvenile Justice reviews and comments on each of the Title II and Title V grant applications and those JABG grants that are not awarded to local governments by formula¹. For grants for continuation funding, the Advisory Committee requires a clear description of program accomplishments and evaluation data to assess the merits of continued funding. The Advisory Committee makes funding recommendations to the Criminal Justice Services Board, which has final authority to award these grant funds. The Advisory Committee also approves the priority areas for use of Challenge Grant funds.

If there are unexpended funds available, the Advisory Committee awards One-Time Special Fund grants, in relatively small amounts, to localities and state agencies. In fiscal year 2003, One-Time Special Fund grants were awarded under the Juvenile Accountability Block grant to 24 localities and 2 state agencies. The awards totaled \$190,236 in federal funds. No one-time awards were made under Title II or Title V in 2004.

Title II Formula Grants

Title II funds are allocated to states based on their youth population under aged 18. To receive funds, states must be in compliance with the four core requirements of the Juvenile Justice and Delinquency Prevention Act: deinstitutionalization of status offenders, sight and sound separation of juvenile and adult offenders, removal of juveniles from adult jails and lockups, and addressing disproportionate minority contact in the juvenile justice system.

Virginia's share of federal Title II funds in fiscal year 2004 was \$1,491,000. Funds were awarded to 5 new programs and 13 continuation programs. Title II funds may be awarded to local units of government or state agencies.

After two years, community participation in funding is encouraged. Title II funds are available for a maximum of 5 years per program. The table below provides information about each of the funded projects.

The Young Juvenile Offender Initiative began in FY 2002 and is described in detail in the 2001 and 2002 Annual Reports. It was designed to foster the development of community-based sanctions and services for children under the age of 14 and to reduce the number of these children moving deeper into the juvenile justice system. In 2002, new Young Juvenile Offender grants were awarded to six communities to undertake projects that would specifically address the needs of these young offenders. Funds were set aside for cross-site evaluation of the projects. In 2003, funds were awarded for five new projects that began July 1, 2003, which is the 2004 fiscal year. Those projects are listed as first-year grants in this Annual Report.

¹ This would include grants to state agencies, one-time special fund grants, and grants to rural localities.

Title II Formula Grants Awarded Fiscal Year 2004		
Locality/Agency Project Title Contact	Amount of Award & Grant Year	Project Description
First Year Grants (in alphabetical order by locality)		
Pittsylvania County Family Alliance for Intervention & Referrals (FAIR) Barbara Helmick 434-432-8371	\$75,000	This grant was awarded to address potential violations of the JJDP act for the detention of status offenders. The project hired a case manager to find services for CHINS/CHINSup ² children and to support the children and their families in completing services.
York County Young Juvenile Offender Program Anne B. Smith 757-890-3880	\$211,130	Functional Family Therapy (FFT) Model Program to enhance protective factors within families of adjudicated youth under the age of 14 for York County, James City County and the City of Williamsburg. Neighboring localities can purchase services on a case-by-case basis. Thirty youth are served annually. The budget reflects 18 months of funding <i>Model Program: Functional Family Therapy</i>
City of Virginia Beach Young Juvenile Offender Initiative William R. Butler 757-437-6203	\$91,406	This project reflects the expansion of an existing Multi-Systemic Therapy Program (MST) to serve adjudicated youth under the age of 14. The program anticipates serving 15 youth in the first year, and 12 youth each year thereafter. The budget reflects 18 months of funding. <i>Model Program: Multi-Systemic Therapy</i>

² CHINS (Child in Need of Services) and CHINSup (Child in Need of Supervision) is defined under the *Code of Virginia*, §16.1-228.

Loudoun County Young Juvenile Offender Initiative Robert Chirles 703-777-0353	\$216,441	The program strategy includes assessment and linking to either existing services or services supported with grant funds, to include Functional Family Therapy (FFT), and the Reconnecting Youth model programs. The budget reflects 18 months of funding. <i>Model Programs: Functional Family Therapy; Reconnecting Youth</i>
City of Lynchburg Young Juvenile Offender Initiative Carolyn Pritchard 434-929-8224	\$132,359	This program uses a comprehensive community assessment model to serve offenders under the age of 14 at the time of adjudication in Amherst, Campbell, Bedford, Appomattox and Nelson Counties, and the Cities of Bedford and Lynchburg. Multi-Systemic Therapy has recently become available in the area, and may be purchased for some youth. The budget is for 18 months.
Virginia Department of Criminal Justice Services Evaluation of the Young Juvenile Offender Initiative Dr. James McDonough 804-371-0532	\$61,154	The evaluation methodology includes implementation and outcome components and data collection. Analysis is at both the site level and across all funded sites. (This project was previously funded under a Memorandum of Understanding.)
Continuing Grants (in alphabetical order by locality):		
City of Arlington Functional Family Therapy Program John Bazaz 703-228-4360	\$18,018 5 th year	This program provides therapy to adjudicated truant, runaway, and delinquent youth and their families. <i>Model Program: Functional Family Therapy</i>
City of Charlottesville Young Juvenile Offender Initiative Rory Carpenter 434-872-4547	\$111,782 2 nd year	This program provides a needs assessment, including the siblings of young offenders, a multi-disciplinary screening process, and purchase of services for approximately 30 young juvenile offenders. The target population is youth under the age of 14 at adjudication for a status offense, delinquency offense, or CHINS petition.

Fairfax County J&DR Court Young Juvenile Offender Initiative James S. Dedes 703-246-3416	\$127,017 2 nd year	This program provides comprehensive, family-based interventions for high-risk adjudicated delinquent and CHINS offenders under the age of 14. The program serves a minimum of 40 youth and families.
Fauquier County Piedmont Dispute Resolution Center Youth Accountability Conferencing Program Lawrie Parker 540-347-6650	\$12,866 5 th year	This restorative justice program provides face-to-face meetings between juvenile offenders, their victims and the victim and offender's support groups.
Loudoun County WORK Program Tim Chesnutt 703-777-0398	\$33,265 4 th year	This program provides supervised weekend community service for post-dispositional youth.
Gloucester-Middle Peninsula- Northern Neck CSB Young Juvenile Offender Initiative Dr. J. Patrick Dorgan 804-695-1767	\$112,524 2 nd year	This program provides assessment, intensive case management and mental health treatment for adjudicated juvenile offenders under the age of 14. <i>Model Program: Multi-Systemic Therapy</i>
Newport News / Hampton Young Juvenile Offender Initiative Larry Robinson 757-926-8717	\$118,792 2 nd year	This is a joint Newport News and Hampton program for juveniles under the age of 14 and their families to develop problem-solving skills, maintain structure, and provide access to community resources.
City of Norfolk Norfolk Court Services Unit Norfolk Juvenile Sex Offender Program Mike Morton 757-664-7667	\$32,467 4 th year	This project is an enhanced supervision and case management system for treating adjudicated juvenile sex offenders.

City of Richmond Richmond Dept. of Juvenile Justice Services Young Juvenile Offender Program David Avery 804-646-3763	\$64,603 2 nd year	This program provides services to status and delinquent offenders aged 7 to 11 and their families residing in the Bellemeade/Hillsdale community of the City of Richmond. Interagency service teams located in two elementary schools and public housing projects provide services. Second year initiatives include expanded individual treatment and group intervention.
City of Roanoke Roanoke Sanctuary Crisis Intervention Center Aggression Replacement Training & Education Program Letitia E. Malone 540-977-3324	\$17,572 5 th year	This program teaches anger management skills to juveniles before the court for assaultive offenses and supervises practice of these skills in the home and community. Parental participation is required.
Portsmouth Tidewater Regional Group Home Commission Aftercare Program David L. Hawkins 757-488-9161	\$22,001 4 th year	This program provides individual counseling and case management services to high-risk offenders who have completed residential stays at one of four group homes.
Wise County Young Juvenile Offender Initiative Paul Kuczko 276-523-5064	\$115,694 2 nd year	This program provides a comprehensive system of care and assessment for 50 first-time offenders under the age of 14 and their families who reside in rural Lee, Scott, & Wise Counties and the city of Norton. The goal is to reduce recidivism by 25%. This project serves repeat offenders and assesses siblings.

Title V Prevention Grants

Title V of the JJDP Act provides a source of funds for states to award grants to communities for delinquency prevention and early intervention programs. Grantees must be in compliance with the four core requirements of the JJDP Act, have an approved comprehensive delinquency prevention plan, and provide a match, either cash or in-kind, of at least 50% of the federal dollars awarded. Title V funding was first available in Virginia in 1995. Localities are eligible for up to 36 months of Title V funding.

Virginia was awarded \$333,000 in Title V federal funds for fiscal year 2004. Grants were designed to address needs identified in localities' Three-Year Comprehensive Community Delinquency Prevention Plans.

Three localities received first year grant funding, and eight localities received continuation funding. The table below provides information about each of the funded projects.

Title V Prevention Grants Awarded Fiscal Year 2004		
Locality/Agency Project Title Contact	Amount of Award & Grant Year	Project Description
First Year Grants (in alphabetical order by locality)		
Isle of Wight County Reaching Out-Reconnecting Youth Donald Robertson 757-365-6202	\$31,577	This program uses a partnership model involving peers, school personnel and parents to deliver interventions to decrease drug involvement, increase school performance and decrease emotional distress. Youth in grades 9-12 who are at-risk for school suspension or dropout are the target group. <i>Model program: Reconnecting Youth</i>
Newport News Strengthening Families Project Rosanne D. Walters 757-727-2134	\$52,879	This program provides family systems and cognitive-behavioral training to 56 families in Newport News. The goal is to prevent delinquency by building protective factors for youth by improving family relationships and parenting skills and increasing social and life skills of youth. <i>Model program: Strengthening Families</i>
City of Richmond Strengthening Families Programs David Avery 804-646-3763	\$45,989	This project is to develop a Strengthening Families Program for families and youth aged 10-14. Approximately 120 families will be served annually. Iowa State University will provide replication training to ensure fidelity to its model. <i>Model program: Strengthening Families</i>
Continuing Grants (in alphabetical order by locality):		
Winchester-Frederick-Clarke Office on Youth & Families Family Intervention Program Ciro Grassi 540-722-3589	\$65,000 3 rd year	This program intervenes with at-risk children and their families and teaches the parents to implement meaningful and effective consequences.

James City County Beyond the Bell Seth Benton 757-259-3219	\$56,465 2 nd year	This is a middle school after-school program designed to address the risk factors associated with lack of social ties, academic failure, substance abuse, and lack of parental involvement.
Loudoun County Preventing Adolescent Pregnancy & Friendly PEERsuasion Charlene Johnson 703-777-0392	\$65,000 2 nd year	This program focuses on preventing pregnancy and substance use. The target group is Hispanic girls aged 9 – 18. <i>Model program: Girls Inc.</i>
City of Petersburg Petersburg Court Services Unit Petersburg Operation Save Kids Frances Hayes Brown 804-733-2371	\$62,286 2 nd year	This program uses a multi-agency approach to reduce truancy by providing counseling and supervision to truant youth and their families. <i>Model program: Operation Safe Kids</i>
Portsmouth FRIENDS/BBBS Mentoring Program Debra R. Steiger 757-397-2799	\$64,223 3 rd year	This is a school-based mentoring program for middle school youth who are at-risk or in the court system. <i>Model program: Big Brothers/Big Sisters.</i>
City of Richmond Functional Family Therapy David Avery 804-646-3763	\$65,000 2 nd year	This program assists children in a high-risk neighborhood who are assessed at level 3 or 4 of the Richmond DJJS Graduated Level System Placement Guide. The goal is to improve family management and cohesiveness and reduce youth recidivism. <i>Model program: Functional Family Therapy</i>
Stafford County Strengthening Families Program Carolyn Barger 540-372-1068	\$13,029 3 rd year	This program teaches nurturing and child management to parents and interpersonal and personal competencies to youth. The program has partnered with the Stafford Court Service Unit and the Stafford County Middle Schools to provide the program to at-risk youth and families. <i>Model program: Strengthening Families</i>
Tazewell Co. VCVA-START - Striving Together to Achieve a Rewarding Start Debra A. Johnson 540-988-5583	\$65,000 3 rd year	This is a pilot prevention project for at-risk youth aged 11 – 13 to address the problem that the locality has identified with Oxycontin abuse. <i>Model program: CASA-START</i>

Juvenile Accountability Block Grants (JABG)

The Juvenile Accountability Block Grant (JABG) program was first established in the 1998 federal Appropriations Act. It is a federal block grant program designed to promote greater accountability in the juvenile justice system. This grant allows States to strengthen their policies, programs, and administrative systems that foster the creation of safe communities. The underlying supposition is that young people, their families, and the juvenile justice system must be accountable for improving the quality of life in every community.

States and units of local government eligible for receiving JABG funding must establish a planning body, a Juvenile Crime Enforcement Coalition (JCEC). The DCJS has delegated this responsibility to the Virginia Advisory Committee on Juvenile Justice.

Like Title II funds, JABG funds are allocated to states based on their youth population under aged 18. Virginia's share of JABG funds in FY2004 was \$1,094,000.

JABG funds may be awarded to local units of government or state agencies. Most funds are distributed directly to units of local government on a formula basis. Localities must qualify for a \$10,000 minimum under the allocation formula to receive an award.

In Virginia, remaining funds are used for grants to state agencies or are directed specifically to rural localities. In 2004, there were 6 grants to rural localities and one grant to a state agency to deliver training in 8 rural localities. There were 6 additional grants to state agencies. The table below provides information about these grants.

JABG Grants Awarded Fiscal Year 2004		
Locality/Agency Project Title Contact	Amount of Award & Grant Year	Project Description
First Year Rural Grants (in alphabetical order by locality)		
Amherst County Implementing Multi-systemic Therapy Barbara Crowder 434-948-4831	\$75,000	Implement multi-systemic therapy, an intensive family and community-based treatment that address multiple dimensions of serious antisocial behaviors in chronic, violent, juvenile offenders. <i>Model Program: Multi-Systemic Therapy</i>
Augusta, County Juvenile Sex Offender Treatment Carol Blair 540-942-6757	\$68,340	Provide Shenandoah Valley Sex Offender Treatment Program services locally for 12 juvenile offenders.

Campbell County Anger Management Services Juanita F. Irby 434-592-9573	\$13,824	Anger management training for juveniles who have been adjudicated delinquent.
Dinwiddie County Community Service Program Howard L. Parrish, III 804-469-4539	\$17,965	Purchase of a 12-passenger van to transport large groups of youth in its existing Community Service Program.
Fluvanna County Graduated Sanctions Program Dr. Jacqueline A. Meyers 434-591-1910	\$67,500	Ensure availability of a continuum of services for disposition of juvenile cases. Alcohol testing in the Court Services Unit (CSU) office and field will be added. CSU and School Resource Officer staff will receive additional training.
Isle of Wight County Victim/Witness Impact Program Bessie Freeman Watson 757-365-6260	\$39,662	Key program components include victim and neighborhood-focused community service, victim-offender reconciliation and victim-offender groups.
Virginia Commonwealth University One Child at a Time Linda Harris 804-828-6926	\$67,500	The focus is youth with educational disabilities. The project includes revision of a training manual, delivery of training in 8 rural localities in a train-the-trainer approach, development of curriculum guides for trainers, and information dissemination to juvenile justice professionals to help youth obtain appropriate services.
First Year Grants to State Agencies (in alphabetical order):		
Department of Juvenile Justice (DJJ) Alternatives to Detention: Day Reporting Centers Scott Reiner 804-371-0720	\$450,000	Develop and implement day reporting centers to provide sanctioning and dispositional alternatives to juvenile offenders who are in violation of conditions of supervision and who are likely to be placed in secure detention. Final sites will be selected as an adjunct to decisions regarding jurisdictions to participate in DJJ's collaboration with the Annie E. Casey Foundation Juvenile Detention Alternative Initiative.

Department of Juvenile Justice Transitional Services: Independent Living Program Angela Valentine 804-225-3911	\$450,000	Independent living beds linked to a common service program, in various locations around the state. Beds will be used as a step-down from incarceration in a juvenile correctional center or transition from a halfway house. The mission of the program is to promote public safety and reduce recidivism by focusing on life and employment skills while providing supervision and structure.
Department of Mental Health/Mental Retardation and Substance Abuse Services Mental Health Needs of Juvenile Offenders Janet Lung 804-371-2137	\$500,000	Implementation of 5 collaborative pilot projects between local Community Service Boards and detention centers to provide mental health and substance abuse services to juveniles in detention, and assist juveniles during the transitional process into the community.
Continuing State Grants (in alphabetical order):		
Virginia Department of Juvenile Justice DJJ Tracking System Modernization Phase V Darrell L. Gasaway 804-786-1608	\$1,022,952 5 th year	This program develops information technology projects at the Department of Juvenile Justice including equipment and training for court service units and correctional centers. This project has facilitated software development, equipment purchase, training, and modernization of communications capabilities.
Department of Juvenile Justice Self-Contained Sex Offender Treatment Program Dr. William Brock 804-555-7256	\$329,777 5 th year	Self-contained sex offender treatment program in the Department of Juvenile Justice's juvenile correctional centers.
Department of Juvenile Justice Sex Offender Treatment Program Scott Reiner 804-371-0720	\$547,200 2 nd year	DJJ will disperse funds among court service units for treatment and consultation services for a community-based sex offender treatment program.

Title II, Part E Challenge Awards

The purpose of State Challenge grants³ is to provide initiatives for states participating in the formula grants programs to develop, adopt, and improve policies and programs in any of ten specified Challenge areas. Federal Challenge awards ended with the 2003 awards. Federal awards are for two years, and an additional extension year may be allowed. Therefore, there were activities pertaining to the 2002 and 2003 awards during fiscal year 2004. Virginia's priorities for the 2003 Challenge award were:

- ◆ Increasing the effectiveness of prevention and intervention efforts aimed at keeping children in school,
- ◆ Improving mental health services for juvenile offenders, and
- ◆ Improving access to quality legal representation for juveniles with contact with the juvenile justice system.

Virginia's allocation for FY 2003 under the Challenge program was \$286,000.

Agency Project Title Contact	Project Description
University of Virginia, Institute of Law, Psychiatry & Public Policy Assessment, Diagnosis and Treatment of Mentally Ill and at Risk Juveniles: An Integration of Training, Policy and Research Dr. Janet Warren 434.924.5435	Distribution of the products of the University of Virginia project. The cd-rom to train non-clinicians about mental health issues for juveniles was distributed at the Juvenile Justice and Delinquency Prevention conference and provided to other social service professionals who work with children in the system or children at-risk. Legal/policy briefs regarding treatment of mental health and substance abuse problems of detained children were distributed to our sister agencies
Virginia Commission on Youth Collection of Evidence-Based Treatments Amy Atkinson 804.371.2481	Information and training about <i>The Collection of Evidence-Based Treatment Modalities for Children and Adolescents with Mental Health Treatment Needs</i> was provided to professionals who work with children with mental health problems who are in the juvenile justice system or at-risk for entering the system.
Virginia Department of Education Truancy project Dr. Cynthia Cave 804.225.2818	Continuation of local meetings of the School Superintendents/ Juvenile Court Judges Liaison committee in the superintendents eight regions. A Truancy Advisory Committee has been established. Challenge funds paid for them to attend the National Truancy Conference.
Virginia Indigent Defense Commission Juvenile Defenders Summit Anita Lester 804.225.3297 x36	The Indigent Defense Commission was provided funds for a training seminar, <i>Recognizing and Investigating Juvenile Mental Health Issues in a Criminal Case</i> , for public defenders and court-appointed counsel.

³ The 1992 reauthorization of the JJDP Act of 1974 added Part E, State Challenge Activities, to the programs funded by OJJDP.

Requirements of the Juvenile Justice and Delinquency Prevention Act

To receive funding under the Juvenile Justice and Delinquency Prevention (JJDP) Act, states are required to comply with four core requirements of the Act: deinstitutionalization of status offenders, sight and sound separation of juvenile and adult offenders, removal of juveniles from adult jails and lockups, and reduction of minority overrepresentation in the juvenile justice system.

Virginia has gone beyond the federal requirements for compliance monitoring by creating a system of record-keeping and on-site inspection that ensures that all juvenile facilities are monitored continuously and receive on-site inspection at least annually. Annually, Virginia's Compliance Monitor visits all of Virginia's 25 secure juvenile detention facilities, approximately 20% of Virginia's jails to include all jails that reported juvenile admissions, and 30% of Virginia's local lockups. An annual site visit and review of records at the Reception and Diagnostic Center, the intake point for juveniles committed to the Department of Juvenile Justice, enables monitoring of juveniles committed to juvenile correctional centers. Jurisdictions with verified violations are provided technical assistance and educational training about the proper placement of juveniles.

Since 1994, the Advisory Committee on Juvenile Justice¹ has restricted grant funding to any locality that has demonstrated an unjustifiable pattern of compliance violations. A special compliance improvement funding category is available to these localities. To access these funds, the locality is required to establish a corrective action plan, agree to self-reporting of all new violations, and be subject to quarterly on-site compliance monitoring inspections until it demonstrates that no violations have occurred for a full fiscal year.

Annual training regarding the JJDP Act and the *Code of Virginia* is provided by the Department of Criminal Justice Services to juvenile justice system professionals such as Court Service Unit Directors, Juvenile and Domestic Relations District Court Judges, Detention Home Superintendents, sheriffs, police and other law enforcement personnel. Individual locality training is made available upon request.

The four core requirements are summarized below. Data are provided showing Virginia's compliance with the core requirements.

Deinstitutionalization of Status Offenders

Juveniles who are charged with or adjudicated for conduct that would not be criminal if committed by an adult are *status offenders*. Neither status offenders nor non-offenders such as abused and neglected children may be placed in secure detention facilities or correctional facilities². Status offenders include, but are not limited to, truants, runaways, and minors in possession of alcohol³. Violations of the JJDP Act occur when accused status offenders are held in secure juvenile detention centers for more than 24 hours, excluding weekends and holidays, and when adjudicated status offenders are held for any length of time

¹ Formerly the Juvenile Justice and Delinquency Prevention Advisory Committee.

² Under the provisions of the Juvenile Justice and Delinquency Prevention Act, status offenders who violate a court order, violate the Youth Handgun Safety Act, or have been held under the Interstate Compact on Juveniles may be placed in secure detention or correctional facilities.

The *Code of Virginia* was amended in 2002 to permit the placement of juveniles in secure detention for violation of probation or parole only when their original offense was a felony or a Class 1 misdemeanor, not a status offense (Va. Code Ann. § 16.1-248.1(A1)).

³ In Virginia, possession of alcohol by a minor is a Class 1 misdemeanor offense under *Virginia Code* §4.1-305. In contrast, under the provisions of the federal Juvenile Justice and Delinquency Prevention Act, possession of alcohol by a minor is considered a status offense (42 U.S.C. § 5633, sec. 223(11)).

in secure detention centers or any adult jail or municipal lockup. Under no circumstances may children be placed in secure detention facilities because of abuse and neglect.

Despite prohibitions within the *Code of Virginia*, and federal regulations addressing the deinstitutionalization of status offenders and non-offenders, on occasion violations are recorded.

In fiscal year 2004, there were 52 violations in Virginia of accused or adjudicated status offenders or nonoffenders held in secure detention facilities for more than 24 hours. These were comprised of the following instances. Two juveniles were placed in secure detention for a status offense in violation of state and federal law. Fifteen juveniles were held as federal wards. Another 35 juveniles were adjudicated and placed in secure detention for alcohol purchase or possession. Although the *Code of Virginia* makes the purchase or possession of alcohol by minors a detainable offense, the Virginia Department of Juvenile Justice has instructed court service unit personnel not to detain youth for alcohol possession charges.

In addition, there were detained status offenders who fell under the exceptions provisions of the JJDP Act. For violations of court orders, 422 status offenders were placed in secure detention. Another 299 juvenile status offenders who violated the Youth Handgun Safety Act were placed in secure detention. There were 82 out-of-state runaway youth placed in secure detention pursuant to the Interstate Compact on Juveniles.

For the 2004 fiscal year, Virginia's deinstitutionalization of status offenders violation rate was 2.93/100,000 juveniles which falls well below the allowable federal compliance rate of 29.4/100,000.

Sight and Sound Separation

The JJDP Act provides that during the temporary period that a juvenile may be held in an adult jail or lockup, no sight or sound contact is permitted between the juvenile and adult inmates. Virginia law prohibits the placement of a juvenile in any secure adult facility that has not been approved by the Department of Corrections for the detention of juveniles. Sight and sound separation is a requirement for approval. The Department of Criminal Justice Services collaborates with the Department of Corrections' certification team to ensure that uniform standards of sight and sound separation are used throughout the Commonwealth. A facility that exhibits a pattern of violations is subject to losing its certification to hold juveniles from the Board of Corrections. There have been no violations regarding an adult jail or lockup since 1997.

Early in 2003, DCJS was made aware of a policy change by the federal Office of Juvenile Justice and Delinquency Prevention (OJJDP). There are two categories of persons in Virginia's juvenile and correctional facilities who have been sentenced while juveniles but whose sentence may exceed their 18th birthday: those sentenced as juveniles in juvenile court and those sentenced as adults in circuit court and placed in a juvenile facility under Virginia's blended sentencing provisions for juveniles. Past policy permitted contact between persons sentenced as adults in circuit court and juveniles as long as they had "continuous stay" in juvenile facilities. OJJDP's change in policy prohibits contact between persons sentenced as adults while juveniles when they become over age 18 ½⁴ and juveniles under age 18. In Virginia in the 2004 fiscal year, there were 118 persons over the age of 18 ½ in juvenile correctional centers who were sentenced in circuit court. These persons are now considered *adult inmates*. Each juvenile who comes into contact with one of these persons is a potential violation of the sight and sound provision. Virginia developed and submitted a plan to OJJDP to meet federal requirements to come into compliance with the policy change by May 2007 and convened a Task Force to oversee implementation of the Compliance Plan.

The *Code of Virginia* permits co-located facilities, that is, adult and juvenile facilities located on the same site⁵. A workgroup with representation from the Departments of Criminal Justice Services, Juvenile Justice, and Corrections has developed compliance and regulatory protocols related to co-located

⁴ A 6-month grace period is provided by OJJDP.

⁵ A co-located facility is defined as a separate juvenile detention facility, located upon the site of an adult regional facility approved and certified by the Department of Juvenile Justice (Code of Virginia §16.1-249(5)).

facilities. Each agency has responsibility for different aspects of the facility certification and monitoring. Currently, Virginia has six co-located juvenile detention facilities. All are in compliance with federal and state regulations for co-location of juvenile secure detention facilities.

Removal of Juveniles from Adult Jails and Lockups

Juveniles accused of committing a delinquent act may be held in temporary custody, not to exceed 6 hours, at an adult jail or lockup for purposes of identification, processing, interrogation, transfer to a juvenile facility, court appearance or release to parents (jail removal). This federal jail removal exception includes 6-hour time periods both immediately before and after a court appearance, provided that the juvenile has no sight and sound contact with incarcerated adults during this time⁶.

There have been few violations of this requirement; in fiscal year 2004, there was 1 and it fell under an exception to Virginia's law prohibiting the placement of juveniles in jails. The *Code of Virginia*⁷ allows a judge to transfer a juvenile who is 14 years or older from a secure juvenile detention facility to an adult facility if it is determined that his or her presence is a demonstrated threat to the safety or security of other juveniles or staff of the juvenile facility. Under such placements, the separation and supervision requirements for juveniles within an adult facility must be met.

Disproportionate Representation of Minority Youth in Secure Facilities

In Virginia and nationally, African American youth have been disproportionately represented at all stages in the juvenile justice system in comparison to their proportions in the juvenile population. Minority overrepresentation in the juvenile justice system is a national, state, and local problem. Under the JJDP Act, states must address the disproportionate representation of minority youth in secure facilities, where such conditions exist.

In Virginia, the data show a potential pattern of racial disparity. In the 2000 census, African American youth represented 23% of the Virginia population aged 0 to 17. The 2004 data show that African American youth represent 42% of juvenile delinquent intake cases, 51% of admissions to juvenile secure detention facilities and 64% of commitments to juvenile correctional centers. These data are depicted graphically in the *Issues and Accomplishments* section of this report. That section also describes the strategies that Virginia has used to reduce minority overrepresentation in the juvenile justice system.

⁶ The JJDP Act of 2002 (effective November, 2003) permits extension of this time for juveniles accused of delinquent offenses who are awaiting an initial court appearance in a jail or lockup that is in a rural area or where conditions of safety do not allow for reasonably safe travel (42 U.S.C §5633, sec.223 (13B)).

⁷ *Code of Virginia*, § 16.1-249.E

Other DCJS Programs for Juveniles

DCJS offers a variety of programs for juveniles that are not under the purview of the Advisory Committee on Juvenile Justice. In addition to Title II, Title V, and Juvenile Accountability Block grants, the Juvenile Services Section administers programs for abused and neglected children under the Children's Justice Act, and the Court-Appointed Special Advocate (CASA) program. For further information about Juvenile Services programs, visit the web site at www.dcjs.virginia.gov/juvenile/. Bureau of Justice Assistance Byrne Memorial Fund grants are administered by several DCJS units including Juvenile Services and Crime Prevention & Law Enforcement.

The Virginia Center for School Safety, school resource officer programs, the Serious Habitual Offender Comprehensive Action Program (SHOCAP), and the McGruff House program are all programs focused on children and administered at DCJS by the Law Enforcement Services Section. Further information about these programs is available on their web site at www.dcjs.virginia.gov/cple/.

The Residential Substance Abuse Treatment formula grant program is administered by the Correctional Services Section, DCJS. Their web site is at www.dcjs.virginia.gov/corrections/.

The programs listed above are all described in detail in the Service Network Section of *Virginia's Three-Year Plan, 2003-2005, under the Juvenile Justice and Delinquency Prevention Act* which is available online at www.dcjs.virginia.gov/juvenile/ (click on the Publications and Resources menu on the left). The document is also available in paper form, on request. It is expected that the new Three-Year Plan, 2006-2008, will be available on the web site in May 2006.

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Preparation and distribution of this document was funded by grant #2003-JF-FX-0051 from
the U.S. Department of Justice, Office of Juvenile Justice and Delinquency Prevention



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December 2005